



12-15-08

Attorney Docket No. 1000141-00155 / 1412E

DAW
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger Harris, *et al.*
Appl. No.: 10/717,217
Conf. No.: 6038
Filed: November 18, 2003
Title: Methods and Compositions for Increasing the Anaerobic Working Capacity in Tissues
Art Unit: 1614
Examiner: Raymond J. Henley III
Docket No.: 1000141-00155 / 1412E

Mail Stop: OFFICE OF PETITIONS / OPLA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT AT ALLOWANCE
PURSUANT TO COMMENT 43 OF THE FINAL RULE

Dear Sir:

On the basis of good faith and candor, Applicant would like to bring the Office's attention to the Patent Term Adjustment (PTA) calculation included in the *Corrected Notice of Allowance and Determination of Patent Term Adjustment*, mailed October 30, 2008, for the above-referenced application, which indicates the PTA is 532 days. This PTA appears to be longer than appropriate.

Please review these PTA calculations including the mailing of the *Notice to File Missing Parts of Non-Provisional Application*, mailed March 3, 2004, and the respective *Response to the Notice to File Missing Parts*, filed July 8, 2004, and received in the Office July 12, 2008.

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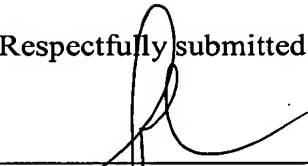

Judith Sherman

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Applicant believes that no fee is due at this time. Any fees that may be due, however, may be applied to Deposit Account No. 02-1818.

Respectfully submitted,



Stephanie L. Seidman
Reg. No. 33,779

Attorney Docket No. 1000141-00155 / 1412E

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